

REMARKS

The rejection of claim 1 has two asserted bases. The first asserted basis is that the limitation “for implementing a global system for mobile communication mode” can simply be written out of the claim. No basis is provided for such an assertion. This phrase modifies and defines the first digital decimation filter. Thus, it provides a structural limitation and should be considered.

Secondly, it is argued that a teaching of a general concept can render obvious the teaching of a specific element. In this case, it is argued that because the reference to Hellberg teaches that filters can filter for different things it would be obvious to filter for any specific thing that might be claimed. This violates the fundamental principle of patent law that the general does not teach the specific (although the specific teaches the general).

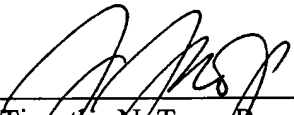
Here, the rejection is based on the argument that because the reference teaches that the filters could be different that it would be obvious to make them different in the way claimed. But nothing in either reference suggests making them different in the way claimed. Therefore, there is no *prima facie* rejection made out and reconsideration is respectfully requested.

Further, it is understood that the Patent Office prefers that a reply be filed even when it is believed that the final rejection is premature. Here, the final rejection is premature because no amendment by the Applicants necessitated the new ground of rejection. Claim 1 has never been amended and, therefore, there is no basis for the finality of the present rejection. Based on the assumption that the Examiner will withdraw the finality of the present rejection, claim 1 has been amended to use the “adapted to” language which the Federal Circuit has expressly found constitutes a structural limitation. See *Pac-Tec v. V. Amerace Corp.*, 14 U.S.P.Q.2d 1871 (Fed. Cir. 1990) (Terms like “adapted to” constitute structural limitations); *In re Venezia*, 189 U.S.P.Q. 149 (C.C.P.A. 1976) (“Rather than being a mere direction of activities to take place in the future, the [adapted to] language imparts a structural limitation to the sleeve.”)

In view of these remarks, reconsideration is respectfully requested.

Respectfully submitted,

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